

Filed for intro on 02/03/2000

HOUSE BILL 2956

By Scroggs

AN ACT to amend Tennessee Code Annotated, Title 37, Chapter 10; and to repeal Tennessee Code Annotated, Title 39, Chapter 17, Part 17, relative to child curfews.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 10, is amended by adding the following as a new, appropriately designated part:

**Section 37-10-\_\_01.** A child shall not loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time; provided that this section shall not apply to a child who is accompanied by his or her parent or guardian or by a responsible adult exercising care and custody of the child.

**Section 37-10-\_\_02.** When any child is in violation of this part, the apprehending officer shall undertake one of the following actions:

(1) If a first violation and if in the opinion of the officer such action shall be effective, take the child to his or her home and warn and counsel with the parents or guardians;

(2) Issue a summons to the child and/or the child's parents or guardians to appear in juvenile court; or

(3) Bring the child into the custody of juvenile court for disposition.

**Section 37-10-\_03.** With the exception of the provisions contained in Section 37-10-\_01, no parent, guardian, or other adult having the care and custody of a child shall knowingly permit such minor to loiter, idle, wander or play in or upon the public streets, highways, alleys, parks, playgrounds, schools or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or any unsupervised place, between the hours of 12:00 o'clock midnight and 5:00 o'clock A.M., official time.

**Section 37-10-\_04.** The judge of the juvenile court shall be vested with power to hear all cases coming within the provisions of this part.

**Section 37-10-\_05.**

(a) A child who violates the provisions of this part commits an unruly act, the disposition of which shall be governed by the provisions of this title.

(b) A parent, guardian or other person having the care, custody and control of a child who violates the provisions of this part shall be subject to a civil penalty of not more than fifty dollars (\$50.00) per violation. Each violation of the provisions of this part constitutes a separate offense.

**SECTION 2.** If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. Tennessee Code Annotated, Title 39, Chapter 17, Part 17, is repealed.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.